

1 Q Its certainly possible isn't it?

2 BY THE COURT:

3 We are not interested in possibilities we are interested
4 in the range of probabilities.

5 BY MR. WEIR:

6 Yes sir.

7 Q Well, there is nothing unusual about two people
8 having the same teeth missing is it?

9 BY MR. HAUBERG:

10 If the Court please, I'm going to object to that,
11 unless he is referring to these particular individuals.

12 BY THE COURT:

13 Well, I'll overrule that.

14 BY MR. WEIR:

15 Q There's nothing unusual about that, is it doctor?

16 A Well, would you restate that?

17 Q All right there is nothing unusual about two
18 people having the same teeth missing is there?

19 A Well, no sir.

20 Q And so it is in the realms of probability that
21 a mistake could be made in identifying a person
22 in that method that you have mentioned?

23 A I would not say that it was probable.

24 Q Well, that's all you have to go by isn't it, just
25 how many teeth are missing or how many teeth

1 that has fillings in them, and that's about it?

2 A. Well, we felt in the Air Force that it was just
3 a good a method as anything to identify a person.

4 Q. Well, those two people had the same fingerprints,
5 is that your understanding of fingerprints?

6 A. Approximately/

7 Q. Now, many people have the same teeth missing,
8 have they not?

9 A. Well, you don't have but thirty two, and a lot of
10 them don't have any teeth, and some have the same
11 teeth missing.

12 Q. But everybody's got fingerprints haven't they?

13 A. No sir.

14 Q. Everybody doesn't have fingerprints, but most
15 everybody has.

16 A. I suppose so.

17 Q. Now Dr. May you said that was nothing unusual
18 about the fact that many people have the same
19 teeth missing and if the people involved had the
20 same exact teeth missing it would certainly be
21 possible that mistakes could be made if that's
22 what you go by and since its possible I ask you
23 if it is not also probable?

24 A. I wouldn't consider it probable.

25 Q. Could you tell us why you don't consider it pro-

1 bable?

2 A Well, I just feel that this technique, devised not
3 by me by any matter of means, but its a technique
4 that we use in the service to identify people who
5 were burned beyond recognition, decomposed beyond
6 recognition, and we felt that this was a pretty
7 certain way of identification.

8 Q But you couldn't say positive that it was infallible
9 could you?

10 A I wouldn't say it was infallible, no.

11 Q And you couldn't swear beyond a reasonable doubt
12 that these were the bodies of those people in-
13 volved?

14 A No sir, I felt they were.

15 Q I said thought you couldn't say that beyond a
16 reaspnable doubt?

17 A There was no doubt in my mind.

18 Q Well I say this, if those charts that you go by
19 are inaccurate or there was something wrong with
20 them, the charts that the Federal Bureau of
21 Investigation furnished to you happen to be
22 wrong in some manner, then what you say of course
23 would be all off?

24 A Yes sir.

25 Q So when you say you are accurate you are relying

1 on the fact that those charts that the Federal
2 Bureau of Investigation showed you were accurate
3 and if they are not accurate, then you don't
4 undertake to tell the jury it was those bodies
5 byond a reasonable doubt, do you?

6 A. That's true.

7 Q. Now, Michael Schwerner had black hair, didn't he?

8 A. I don't remember.

9 Q. Well Andrew Goodman had black hair, didn't he?

10 A. I don't remember.

11 Q. You didn't notice that?

12 A. Well, I was primarily interested in the dental
13 apparatus.

14 Q. Well, you were concerned about the teeth there
15 but I thought you might have noticed that but
16 you didn't though. Now, Dr. May, did you see
17 Walter Rayford Lamar Jones over there at that
18 autopsy, the county attorney of Neshoba County?

19 A. Could you point him out to me? I don't know
20 him.

21 Q. You didn't notice him over there?

22 A. I don't know who he is.

23 Q. Well, did you see the Sheriff Rainey in the room
24 when the autopsy began?

25 A. I don't know where he was there when it began

1 or not, there was a lot that had been done by the
2 time I got there.

3 Q He was there when you arrived?

4 A I just saw him sometimes during the time I was
5 there.

6 Q You don't know when you first saw him?

7 A No.

8 Q Well, did the autopsy stop after it began?

9 A I don't know where it did or not.

10 Q Well, did they have to get a court order before
11 they could proceed further?

12 A I don't know.

13 Q You didn't have anything to do with that?

14 A No sir.

15 Q If the Court please, would you indulge me just
16 a moment.....

17 Of course, you are not undertaking to say that
18 the charts that the Bureau of Investigation gave
19 you are accurate are you?

20 A No sir.

21 Q And if there weren't accurate there would be all
22 the doubt in the world in your mind?

23 BY THE COURT:

24 That's the second time that you've asked that to
25 my personal knowledge.

1 BY MR. WEIR:

2 That was my last question if Your Honor please.

3 BY THE COURT:

4 All right, sit down there. Anybody else have any
5 questions?

6 (Whereupon witness excused)

7 ADELE GRIFFIS, called as a witness for and on behalf
8 of Plaintiff, was sworn and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. DWEN:

11 Q Would you state your name please?

12 A Mrs. Adele Griffis.

13 Q Where do you live?

14 A Meridian.

15 Q What is your job?

16 A Clerk at the Selective Service.

17 Q How long have you held this job?

18 A Be fourteen years the 24th.

19 Q Now are you in custody of all the documents here
20 in Meridian at the Selective Service Office?

21 A Yes sir.

22 Q Were you subpoenaed to bring certain documents?

23 A Yes.

24 Q Where you subpoenaed to bring certain dockets
25 relating to James Chaney?

1 A Yes sir.

2 Q Can you tell the Court and Jury what that document
3 is?

4 A Before a registrant goes for his physical he is
5 sent-----

6 BY MR. BUCKLEY:

7 Your Honor if it please the Court, I object to this,
8 this is not responsive to the question.

9 BY THE COURT:

10 I don't believe it is. Ask her the question over and
11 Lady listen to his question and give him a responsive
12 answer.

13 BY MR. OWEN:

14 Q What is that?

15 A This is a card information questionnaire, and
16 before a registrant is sent for a physical he is
17 sent this.

18 Q Is that done in the ordinary course of business
19 of the Selective Service?

20 A Yes sir.

21 Q And was that particular document sent in the
22 ordinary course of business from your office?

23 A Yes.

24 Q Now to whom was it sent?

25 A James Early Chaney.

1 Q And when was it sent?

2 A December 18, 1963.

3 Q And was that document returned to your office?

4 A Yes sir.

5 Q When was it returned?

6 A The 17th of January 1964.

7 Q And that is a document that is kept in the ordinary
8 course of business in your office?

9 BY MR. BUCKLEY:

10 Your Honor please the Court, I object to his leading
11 the witness.

12 BY THE COURT:

13 I'll overrule your objection but don't lead the
14 witness.

15 BY MR. OWEN:

16 I would like to show this document to Counsel and then
17 have this entered into evidence, Your Honor.

18 BY THE COURT:

19 Is that the original or a certified copy?

20 BY MR. OWEN:

21 The original, Your Honor.

22 BY THE COURT:

23 Let it be entered into evidence and be marked and
24 a photostatic copy substituted for it.

25 (Whereupon exhibit entered into evidence and marked
P-69)

1 BY MR. OWEN:

2 That's all the questions I have Your Honor.

3 BY THE COURT:

4 All right, any cross examination? Do you have a
5 copy of that application?

6 BY THE WITNESS:

7 Here is a copy right here.

8 BY THE COURT:

9 The Clerk may make the comparison and mark the copy
10 when it is compared favorably with the original and
11 give the original back to the witness.

12 BY MR. ALFORD:

13 Your Honor, may we compare the copy?

14 BY THE COURT:

15 You surely may.

16 BY MR. OWEN:

17 May I wait until after my next witness before I
18 return the original Your Honor?

19 BY THE COURT:

20 Oh yes. Any cross examination?

21 BY MR. WEIR:

22 Any cross examination?

23 BY THE COURT:

24 Yes.

25 BY MR. WEIR:

I'm ready.

BY THE MARSHAL:

Let's have order.

CROSS EXAMINATION

BY MR. WEIR:

Q Lady, is this exhibit assigned to James E. Chaney on what date?

A It says here December 23, 1964.

Q That's to James E. Chaney on what day of December of 64?

A 23rd.

Q Yes, but you don't know when you put that on there

Q And that's your official record?

A Let's see the other copy.

A I don't know anything about this.

Q You mean the photostatic copy? Hand that to her

Q But all you know is there James E. Chaney signed

A That's what is up here but the date received back there is a space provided there for the date on

at the local board was received in January of '64. which he signed isn't it?

Q But that date on there shows that it was signed by

A James E. Chaney on October 23, 1964?

Q And the official date showing the date that he

A October? signed according to your official record is

Q Its not December, its October.

A I just couldn't tell you about that.

Q But it was received in the office on January 7,

Q Is that an official record of the Selective Service

System here in the Meridian, Mississippi office?

Q But you don't know when that stamp was put on there

A What now?

Q Do you?

1 Q Is that a part of the official record of the
2 Selective Service System here at the Meridian,
3 Mississippi office, is that the official record
4 of James E. Chaney?

5 A This is the record.

6 Q And it shows that it was signed by James E. Chaney
7 on October 23, 1964, doesn't it, your official
8 record shows that, doesn't it?

9 A Well, that's what it says here, yes sir, but I
10 put up here that it was received January 7, 1964.

11 Q Yes, but you don't know when you put that on there
12 do you?

13 A I don't/^{know}anything about this.

14 Q But all you know is there James E. Chaney signed
15 and where the official record shows that he signed
16 there is a space provided there for the date on
17 which he signed isn't it?

18 A Yes.

19 Q And the official date showing the date that he
20 signed according to your official record is
21 October 23, 1964.

22 A But it was received in the office on January 7,
23 1964.

24 Q But you don't know when that stamp was put on there
25 do you?

1 A Yes I know that stamp was put on there the
2 date it says, January 7, of '64.

3 Q How do you know that?

4 A Because I put it there.

5 Q Do you remember doing that?

6 A Three years ago?

7 Q Yes.

8 Q Well there are so many of them I stamp them and
9 the dates there.

10 Q What I'm trying to show you though, you don't
11 actually know for a fact when that stamp was put
12 on there?

13 A I change it every morning.

14 Q I know it but you can't state positively that
15 was put on there that day can you?

16 A It was put on there because I do that everyday.

17 Q I understand all of that but you can't swear
18 when that was put on there can you?

19 A I don't----

20 Q Well just as far as swearing when you put that
21 on there you can't accurately do that, just
22 swearing on your oath you couldn't do that
23 could you?

24 A Well, I guess I could.

25 BY THE MARSHAL:

Let's have order please.

1 BY MR. WEIR:

2 Q Are you swearing to us now that you put that
3 stamp on there at a certain particular time?

4 A On January 7, 1964.

5 BY THE COURT:

6 Everything she is saying she's swearing to it Counsel.

7 BY MR. WEIR:

8 Q Can I ask her if she understood that she was
9 swearing to it?

10 A I understand that.

11 Q You understand that?

12 A I understand that.

13 Q And do you understand that you are swearing that
14 your official records show here in Meridian,
15 Mississippi that James E. Chaney signed that on
16 October 23, 1964, that's what the record shows
17 isn't it.

18 Q You see it.

19 Q And that's what the record shows too isn't it?

20 A That's right.

21 Q And that's what you are swearing to?

22 A That's right.

23 Q That's all I have, if it please the Court.

24 (Whereupon witness excused)

25

1 DAN A. BAILEY, called as a witness for and on behalf
2 of Plaintiff, was sworn and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. OWEN:

5 Q Would you state your name please?

6 A Dan A. Bailey.

7 Q Where do you work?

8 A Federal Bureau of Investigatinn, Washington, D. C.

9 Q How long have you worked there?

10 A Twenty-six years.

11 Q Now, what's your job there?

12 A I am a fingerprint examiner.

13 Q How long have you been a fingerprint examiner?

14 A Twenty-six years sir.

15 Q What kind of training did you have?

16 A The Bureau conducts its own schools and its
17 amounts to concentrated course for twelve weeks
18 and they continue that for almost a year.

19 Q Now, after that what kind of training or
20 experience have you had in examining fingerprints?

21 A Well, we have a refresher course several times a
22 year in fingerprint work, plus the fact that I
23 have worked with fingerprints continuously for
24 twenty-six years.

25 Q About how many fingerprints examinations do you

1 make a year?

2 A. I would say several million.

3 Q. In one year or the whole period?

4 A. In one year period.

5 Q. Now, in connection with this case, were you furnished
6 any evidence or basis for any fingers?

7 A. Yes sir, I was.

8 Q. When were you furnished those?

9 A. thAugust 5, 1964.

10 Q. Who furnished those to you?

11 A. They were received when they came into the
12 laboratory, they were brought in by Mr. Frederick
13 Cook, Special Agent Cook.

14 What was the condition of the container which they
15 were received?

16 A. There was a large box which was sealed that con-
17 tained three boxes inside, had the bottles which
18 had the fingers inside the bottles.

19 Q. Were you present when the box was opened?

20 A. Yes sir, I was.

21 Q. And there were bottles with the fingers in them?

22 BY MR. ALFORD:

23 Your Honor please, that's leading and we object to it.

24 BY THE COURT:

25 He's already said that, overruled.

- 1 A They had fingers in the bottles, yes sir.
- 2 Q Were these pagged anyway?
- 3 A Yes sir, they were marked by body number and by
- 4 finger number.
- 5 Q What body number were they marked by?
- 6 A By bodies one, two, and three, and ten bottles
- 7 for each finger.
- 8 Q Now, with respect to body number three, what did
- 9 you do with these fingers?
- 10 A I made an ink fingerprints of the ones that I
- 11 could and the others were photographed.
- 12 Q And let me hand you plaintiff's exhibit 69 and
- 13 ask you if you recognize that?
- 14 A Yes sir, I do.
- 15 Q What is that?
- 16 A That is a Selective Service questionnaire, bearing
- 17 the name of James E. Chaney.
- 18 Q When did you see that?
- 19 A August the 10th, 1964.
- 20 Q Now, what did you do with that particular document
- 21 A This I used chemical methods of developing latent
- 22 fingerprints on it sir.
- 23 Q And did you develop any latent fingerprints sir?
- 24 A Yes sir, one.
- 25 Q Did you compare the latent fingerprint which you

developed on that document in connection with
this case, any of those impressions that you made?

A Yes, I did. I compared this latent fingerprint
which was developed on the Selective Service
questionnaire with the fingerprints that I obtained
from body number three, and I identified a latent
fingerprint on the selective service form with
the right thumb impression from body number 3.

Q Now, do you have any pictures of how you made your
comparison?

A Yes sir, I do.

THE COURT: Q Can you identify that?

A Yes sir, this is an enlargement of the latent

fingerprint developed on the selective service

form and the eight fingerprint that appears on---

BY MR. ALFORD: it is totally immaterial for this and he

hasn't laid a proper predicate for its identification.

If it please the Court, we object to the use of that

until it is introduced.

BY THE COURT: he has the fingers.

THE COURT: Yes, I don't think you can testify from the document
until it has been put in evidence.

BY MR. OWEN: and he marked.

Q Can you identify that particular instrument which
you have in your hand?

A Yes sir.

1 Q Who made that?

2 A I did sir.

3 Q What did you make it from?

4 A From the fingerprint appearing on the selective
5 service form and the right thumb print from body
6 number 3.

7 Q And is that document a fair and accurate represen-
8 tation of those two prints?

9 A Yes sir, it is. It is approximate a ten times
10 enlargement.

11 Q I would like to offer that into evidence.

12 BY THE COURT:

13 Show it to Counsel.

14 BY MR. ALFORD:

15 Your Honor please, we object to the introduction of
16 this as it is totally immaterial for this and he
17 hasn't laid a proper predicate for its identification,
18 he hasn't proved who this selective service form belongs
19 to nor the fingers.

20 BY THE COURT:

21 I'll overrule your objection and let it be entered
22 and be marked.

23 (Whereupon exhibit entered into evidence and marked
24 P-P-70)

25 BY MR. OWEN:

1 Q Would you hold that up uh, what is the print on
2 the left?

3 A The print on the left is an enlargement of the
4 latent fingerprint appearing on the upper right
5 hand side of the back of the selective service form

6 Q And that is from which finger?

7 A That is the right, well I didn't know until I
8 made my comparisons, but it would be the right
9 thumb print, the same as the ink impression appear-
10 ing on the right side.

11 Q Now, the ink impression, where did you get that one

12 A This is the one that I obtained from body number
13 3 and it was the right thumb.

14 Q Now, ---

15 BY MR. ALFORD:

16 Now if Your Honor please, if I understood him right
17 he said the one he obtained from body number 3. ^{the}We
18 respectfully submit he is not being responsive to
19 his question and move that it be excluded.

20 BY THE COURT:

21 Overruled.

22 BY MR. OWEN:

23 Q Now, if you will explain how you made the finger-
24 print comparison?

25 A Well, the actual ridge detail that appears on

1 both the latent and the incompression.

2 Q Now, if you would point out where that detail is
3 similar in those pictures?

4 A I have marked eight places on these two prints in
5 which I have made my identifications. I put
6 the red lines and the red numbers on each one.

7 Q Now, what was your conclusion after making this
8 comparison?

9 A These were made by one and the same finger both
10 the ink fingerprint which I had made from the
11 right thumb print of body number 3, and the print
12 that appeared on the back of the selective service
13 form.

14 BY MR. WEIR:

15 We object if Your Honor please and move the Court to
16 exclude it.

17 BY THE COURT:

18 Overruled.

19 BY MR. HENDRICKS:

20 May I see the exhibit please?

21 BY THE COURT:

22 You said on the back of selective service form that
23 you lifted a fingerprint?

24 BY THE WITNESS:

25 I developed a print on there sir.

1 BY THE COURT:

2 Whose selective service form was that?

3 BY THE WITNESS:

4 It bears the name of James Earl Chaney.

5 BY THE COURT:

6 All right.

7 BY MR. HENDRICKS:

8 May I proceed?

9 BY THE COURT:

10 Yes sir.

11 CROSS EXAMINATION

12 BY MR. HENDRICKS:

13 Q Where on this form did you find a fingerprint?

14 A On the back side at the top right hand corner?

15 Q It is on there now?

16 A Partially, yes sir.

17 Q Why isn't it on there so the jury can see it?

18 A It was cleaned up before it was sent back for
19 the reason it had writing on it, and if we left
20 it with the chemicals on it it would keep getting
21 darker and darker and you couldn't see any of
22 the writing on there.

23 Q But you knew it would be used here in evidence
24 didn't you before you cleaned it up?

25 Q Yes sir, and I took photographs of it.

1 Q Now, you only show eight points of identification
2 here, is that right?

3 A That is what is shown on there, yes sir.

4 Q Is that all you could find?

5 A There are several others on there that I didn't
6 mark.

7 Q Now, you will have to admit that this latent
8 fingerprint over here on this side is very dim
9 and very indistinct, isn't it?

10 A It isn't as good a print as the eight print, how-
11 ever, it is sufficient to make an identification.

12 Q How many points of similarity do you have to
13 make the identification, how many do you need?

14 A There are no certain number.

15 Q Did you find area of this similarity here?

16 A Not that couldn't be explained, no sir.

17 Q Did you look for any?

18 A Yes sir.

19 Q Did you mark it for/similarity?
dis-

20 A There were none that I could make -----

21 Q But you did not mark any, did you?

22 A I didn't find any, no sir.

23 BY MR. HENDRICKS:

24 Counsel, you are cutting the witness off.

25 BY MR. HENDRICKS:

1 Q Did you look for any?

2 A Yes sir.

3 Q Why didn't you mark them?

4 A I didn't find any, they are one and the same made
5 by the same person.

6 Q Why didn't you look for them, that's what I'm
7 asking you?

8 A There is no reason.

9 Q You are here testifying that this is the same
10 print but yet you didn't look to see if there
11 were any areas that were not similar on these
12 two prints, is that what you are telling this
13 Court and Jury?

14 A In as far as the ridge details are concerned I
15 did, yes sir.

16 Q In the entire print, you did not look for any
17 areas which were not similar?

18 A Yes sir, I did, as far as ridge details were
19 concerned.

20 Q Why didn't you mark them?

21 A There was none.

22 Q And you tell me in every respect these prints are
23 the same?

24 A These prints are the same.

25 Q One hundred percent?

1 A The portions that are showing in both pictures
2 are the same.

3 Q Now, how long can you take a print from a hand
4 of a person who is dead?

5 A How long? Until they are rotted away.

6 Q Now, if the doctor has testified that these were
7 completely rotted where the skin was slipped from
8 them and there was no detail on them, how were
9 you able to come up with this latent print that
10 you have here, I mean with the ink print.

11 A There was sufficient skin on that particular
12 finger to print it.

13 Q And you inked it and printed it?

14 A Yes sir, I did.

15 Q Did you know how long this person had been dead?

16 A No sir, I did not.

17 Q I would like for the jury to see this if the Court
18 please.

19 BY THE COURT:

20 Let the Marshal show it to them. (Photograph of
21 fingerprints shown jury)

22 BY MR. HENDRICKS:

23 Q Now, how long will a fingerprint stay on a piece
24 of paper like this?

25 A Its an unknown factor, nobody knows.

1 Q It might stay a minute or it might stay a little
2 longer, is that right?

3 A It might stay a minute or it might stay ten or
4 twenty years.

5 Q But you have no idea who put that print on the
6 back of that form?

7 A The same person that I printed, took the inked
8 print of.

9 Q That's all.

10 BY MR. WEIR:

11 Q What did you say your name was?

12 A Bailey, Dan Bailey.

13 Q Sir, would it be possible to take a print and
14 transpose that over again and then you would have
15 two sets of pictures that looks just alike also?

16 A I don't know I'm not a photographer.

17 Q Well, you've done that by putting your own prints
18 down twice and somebody else print down twice, and
19 of course they would be identical under those
20 circumstances?

21 A That's correct.

22 Q Sure, that's just reasonable isn't it?

23 A Yes.

24 Q Now, sir, this print that you say you took off of
25 this page, you couldn't say whose print it was,

1 could you?

2 A Not until I made the comparison with those finger-
3 prints with body number three.

4 Q Well I mean as far as calling names you couldn't
5 say they were prints of any particular individual
6 could you?

7 A The only thing I knew that it bore the name of
8 James Chaney.

9 Q Well there are other people that have handled this
10 piece of paper also?

11 A That's correct.

12 Q And that print that you took off of this page
13 could have been the print of anyone who had
14 handled this page, couldn't it?

15 A It couldn't be because it was identified by the
16 prints from body number three.

17 Q Well---

18 A So therefore, it could not be any other persons
19 print.

20 Q Well, these were just taken off of some fingers
21 that you had in your hands? Your Possession?

22 A That's correct.

23 Q Of course, just a minute, Your Honor. Judge, just
24 one more question, if Your Honor please.

25 Q You can't hardly say that the fingers that you

1 had that you examined were the fingers of some
2 particular individual yourself, could you?

3 A. The only thing that I can say is there is a print
4 on the back of that selective service form bearing
5 the name of James E. Chaney.

6 Q. But that wasn't part of the official record was
7 it?

8 A. What do you mean by that sir?

9 Q. Well, there's no place on this form that a propose
10 registrant is required to have him test his finger
11 prints on, is it. That's not part of the official
12 form at all is it?

13 A. No sir, this print was developed on the form.

14 Q. It wasn't even visible to the naked eye at all
15 at the time you first looked at it was it?

16 A. Not until it was developed by chemicals, no sir.

17 Q. Is there anyway that one of those fingers could
18 have been impressed or held against this form
19 before the form was transferred to you and before
20 the finger was transferred to you and that print
21 could have been picked up off of this form?

22 A. They didn't have this form as far as I know until
23 the fingers were shipped into me, because I got
24 them at two differnt times.

25 Q. But, if they came by Meridian and did that, there

1 is that possibility, isn't it?

2 A I would have no knowledge of anything like that.

3 Q All I want to know is , is that possible?

4 BY MR. HAUBERG:

5 If the Court please, we object to possibilities.

6 BY THE COURT:

7 Sustain the objection. Sustained.

8 BY MR. WEIR:

9 Q Well, what I want to ask you is, can that be
10 done. Could a print be placed on this form and
11 then you pick it up.

12 BY MR. HAUBERG:

13 Your Honor I believe that's still a possibility.

14 BY THE COURT:

15 I think so, sustained.

16 BY MR. WEIR:

17 Could the jury see this at this time, this questionnai

18 BY THE COURT:

19 No sir, they can't look at that and listen to, they
20 will have a chance to see it in the jury room.

21 BY MR. WEIR:

22 I believe that's all.

23 BY MR. OWEN:

24 We have nothing further

25 (Whereupon witness excused)

1 WILLIAM D. PERRY, called as a witness for and on
2 behalf of Plaintiff, was sworn and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. OWEN:

6 Q Would you state your name please?

7 A William D. Perry.

8 Q Where do you live, Mr. Perry?

9 A Philadelphia, Mississippi.

10 Q How long have you lived there?

11 A All of my life.

12 Q What's your job?

13 A I am Chief of Police.

14 Q Now, in June of 1964 what was your job?

15 A Assistant Chief of Police.

16 Q Now you were asked to bring some records with
17 you?

18 A Right.

19 Q Did you bring those with you?

20 A I did.

21 Q May I see those please? Can you identify that
22 for us please?

23 A I can.

24 Q What is it?

25 A Its the daily radio log.

1 Q For who?

2 A Police Department, Philadelphia, Mississippi.

3 Q What is the date of the page that you are looking
4 at?

5 A Six and twenty-first sixty-four.

6 Q Now is that radio log kept in the regular course
7 of business in your police department?

8 A It is.

9 Q And are those records kept with the items that
10 document reflects?

11 A Right.

12 Q I would like to mark the 21st of June page and
13 have it entered into evidence. June 21 and June
14 22.

15 BY MR. ALFORD:

16 Your Honor, we would object to June 22, rather we
17 would like to see June the 22nd.

18 (ShthShown to Counsel)

19 BY MR. OWEN:

20 Q Now, on June 21st, 1964 were you on duty?

21 A I was.

22 Q Do you know Richard Andrew Willis?

23 A I do.

24 Q Do you know what his job was on June 21, 1964?

25 A City patrolman.

- 1 Q Can you identify him for us?
- 2 A I can.
- 3 Q Would you point him out for us?
- 4 A Sitting there on the end.
- 5 Q The one with the grey hair?
- 6 A Yes sir.
- 7 Q What shift did Mr. Willis work that day?
- 8 A I don't remember off hand.
- 9 Q Did you make some memoranda of the shifts?
- 10 A I did.
- 11 Q I would like to show this to the witness to refresh
- 12 his recollection.
- 13 A He worked from 8:00 P. M. until 4:00 A. M.
- 14 Q Now, do you know Mr. Otha Neal Burkes?
- 15 A I do.
- 16 Q What was his job in 1964?
- 17 A He was a City Patrolman.
- 18 Q What was his shift on June 21 and June 22.
- 19 A From 12:00 midnight until 8:00 A. M.
- 20 Q Do you know Mr. Holly?
- 21 A I do.
- 22 Q What was his full name?
- 23 A Harold Bevis Holly.
- 24 Q What was his job on June 21, 1964?
- 25 A City patrolman.

1 Q Do you know what his shift was that day?

2 A 4:00 P. M. until midnight.

3 Q What was your shift that day?

4 A My shift was from 7:30 A. M. until 12:00 noon,
5 back at 2:30 P. M. to 6:00 o'clock P. M.

6 Q And you went off duty at 6:00 o'clock P. M.

7 A Yes sir.

8 Q That's all, Your Honor.

9 BY THE COURT:

10 Any cross examination?

11 CROSS EXAMINATION

12 BY MR. ALFORD:

13 Q Mr. Perry, who was Chief of Police on or about
14 the 21st day of June, 1964 in the City of Philadel-
15 phia, Mississippi?

16 A Bill Richardson.

17 Q And was or not he around the police station that
18 day also?

19 A He was.

20 Q On that occasion and looking at your radio log
21 who ran the station unit that day?

22 A Mr. Richardson was on duty.

23 Q Isn't it a matter of fact that your radio unit
24 there has connection with the City of Philadelphia
25 Patrol cars and you also have a unit that receives

1 from the State Highway Department also?

2 A That's right.

3 Q And also from the Sheriff's department.

4 A That's right.

5 Q And most frequently those calls come in from
6 the Highway Department and those concerning the
7 Sheriff's department which you all have no concern
8 about, they are not logged in your city logs are
9 they?

10 A They are not.

11 Q All right, those that appear there from the
12 Highway Department or the Sheriff's office is
13 not unusual?

14 A It is not.

15 Q If it please the Court, I would like to correct
16 that as being the State Highway Patrol instead
17 of the Highway Department.

18 BY THE COURT:

19 All right, the record may so show.

20 BY MR. OWEN:

21 Your Honor, I would like to offer that into evidence.

22 BY THE COURT:

23 All right, that may be marked and entered.

24 (Whereupon exhibit entered into evidence and marked
25 P-71)

1 (Whereupon witness excused)

2 BY THE COURT:

3 Members of the Jury, we are going to take a recess
4 until 9:00 o'clock in the morning with the same
5 understanding that we have had each time.

6 (Whereupon jurors excused from courtroom)

7 (Whereupon the Court took a recess at 8:12 P. M.
8 on 10-11-67)

9 OCTOBER 12, 1967:

10 WILBUR JONES CALLED AS A WITNESS FOR AND ON BEHALF
11 OF PLAINTIFF, WAS SWORN AND TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MR. DOAR:

14 Q. Would you tell the Court and Jury your full name
15 please?

16 A. Wilbur Jones.

17 Q. Mr. Jones, if you could lean forward a little when
18 you testify and speak in a loud clear voice. Will
19 you do that? What is your name?

20 A. Wilbur Jones.

21 Q. Where do you live?

22 A. Philadelphia, Mississippi.

23 Q. How old are you?

24 A. 59.

25 Q. Where around Philadelphia do you live?

- 1 A Its 9 miles east of Philadelphia.
- 2 Q And you live on that highway?
- 3 A Well, its the Longdale Road come out from 16
- 4 highway.
- 5 Q And where on the Longdale Road do you live?
- 6 A Well, its about a quarter of amile past the church
- 7 and half a mile back west off of that Longdale
- 8 Road.
- 9 Q And is that north or south of the church?
- 10 A That's north of the church.
- 11 Q Now are there any other homes or houses, strike
- 12 that. Do any other people live on this quarter
- 13 mile road going west from the church?
- 14 A No, don't anyone else live on it.
- 15 Q How old are you?
- 16 A 59.
- 17 Q How long have you lived there?
- 18 A Practically all my life.
- 19 Q What is your job?
- 20 A I am employed at the Ingalls Shipyard in Pasca-
- 21 goula.
- 22 Q How long have you been employed there?
- 23 A Right around five years.
- 24 Q Do you remember being home on a Sunday afternoon
- 25 in June of 1964?

1 A. Yes, I do.

2 Q. Can you tell me whether or not the law of Neshoba
3 County came out to your home that afternoon?

4 A. Yes, they did.

5 Q. Can you tell me what day that was?

6 A. It was on second Sunday in June and 14th day of
7 June.

8 Q. And about what time of the day was it?

9 A. It was around four o'clock.

10 Q. And could you tell us in your own words what
11 happened when the law came out there?

12 A. Well, it was some people came there from Arkansas.

13 Q. Did you know who those people were?

14 A. Yes, I do.

15 Q. And who were those people?

16 A. Walter Wilson and his wife.

17 Q. And who are the Walter Wilsons?

18 A. (No answer)

19 Q. Who are they?

20 A. They are some, uh, they is from some people from
21 Arkansas and uh him and his wife.

22 Q. Did you know them before that time?

23 A. Yes. They have lived there already before they
24 moved to Arkansas.

25 Q. Keep your voice up a little please. And what

- 1 kind of a car were they driving?
- 2 A. They was driving a Mercury.
- 3 Q. What kind of a license plate was on the car?
- 4 A. Had a Arkansas license plate on there.
- 5 Q. Now who came first, the Wilson car or the law car?
- 6 A. Wilsons came first.
- 7 Q. How soon after the Wilson car came to your home
- 8 did the law come?
- 9 A. Shortly after.
- 10 Q. When you say shortly after what do you mean?
- 11 A. Well, they didn't have, they didn't even have time
- 12 to get out before the law had got there.
- 13 Q. Now, who was in the law car?
- 14 A. Mr. Price and Mr. Barnette.
- 15 Q. Can you, do you know Mr. Price?
- 16 A. Sure, I know him.
- 17 Q. Will you pick out the man that came out there that
- 18 day?
- 19 A. Sure.
- 20 Q. Just look around the court room?
- 21 A. There's Mr. Price right there.
- 22 Q. And counting from this end how many from this end
- 23 over there?
- 24 A. I don't see one from the other end that I know.
- 25 Q. No, I mean when you tell me Mr. Price is sitting

1 where if you counted the people that are sitting
2 there inside the rail?

3 A. Oh yes. He's uhh, he's the fifth man, sixth man
4 from the right hand.

5 Q. Now, there's some people sitting behind you. Could
6 you look around behind you and see whether you
7 recognize anybody back there?

8 A. Here's Mr. Barnette here. This is Mr. Barnette
9 here, the sixth man from this end down here.

10 Q. And what happened then?

11 A. Well, Mr. Price drove up. I went there to the car
12 where he was and he asked me was that some of my
13 people. I told him no they wasn't none of my
14 people but they was some people was visiting down
15 here and had lived here once before you know and
16 he says-----

17 BY MR. WEIR:

18 We object, Your Honor, unless its shown to have some
19 eonnection in this case.

20 BY THE COURT:

21 Go ahead, I can't tell.

22 BY MR. DOAR:

23 Q. Then what did Mr. Price say?

24 A. He sayd uh now yall you know yall know what's
25 going on around here and we does too, he says now

1 if they are down here for any stuff like that we
2 are just not going to have it but says if they ar
3 down here on a visit says they are welcome here.

4 Q And when what did----

5 BY MR. WEIR:

6 Court please, I object to it and move the Court to
7 exclude it and to instruct the jury not to consider it.

8 BY THE COURT:

9 Ovefruled.

10 BY MR. DOAR:

11 Q And then what did Officer Price do?

12 A Well, he gotten out of his car and went around
13 there to Wilsons' car and asked him for his
14 driving license.

15 Q What did he say?

16 A What did Mr. Price say?

17 Q Yes, if you remember?

18 A Well, as I can remember he told him he wanted to
19 check his driving license and uhh he said that he
20 had orders uhh----

21 BY MR. BUCKLEY:

22 Your HOnor please, I object unless its told who he's
23 talking to. I don't understand who he says he's
24 talking to Mr. Price and of course do object to it
25 being used against anyone except Mr. Price.

1 BY THE COURT:

2 I understood what he said. Go along. Overruled.

3 BY THE WITNESS:

4 Now he said that he had orders to check on that car,
5 said it had been said that some white people riding
6 in the car with them.

7 BY MR. DOAR:

8 Q What did Mr. Walker say to him?

9 A Mr. Wilson?

10 Q Wilson, yes.

11 Q Well he told him that hadn't been any white
12 people in his car.

13 Q And what race are Mr. and Mrs. Wilson?

14 BY MR. WEIR:

15 Your Honor please, could we have the hearing of this
16 testimony outside the presence of the jury to
17 determine whether or not its admissible and relevant?

18 BY THE COURT:

19 I am holding that it is admissible.

20 BY MR. WEIR:

21 Yes sir, then may I have a continuing objection
22 without object each time a question is asked?

23 BY THE COURT:

24 Yes sir. You may have a continuing objection and let
25 it be overruled.